

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ELENA KURBATZKY,

Plaintiff,

v.

U.S. CUSTOMS AND BORDER  
PROTECTION,

Defendant.

No. 17-cv-12362-PBS

**REPORT AND RECOMMENDATION ON DEFENDANT'S MOTION TO DISMISS**  
**(DKT. NO. 21)**

CABELL, U.S.M.J.

On August 31, 2016, Elena Kurbatzky arrived at Logan International Airport from a trip abroad and attempted to pass through customs with luxury clothing and accessories she had bought in Paris but failed to declare on her customs declaration form. U.S. Customs and Border Protection (CBP) officers seized the undeclared items after discovering them during inspection. The plaintiff contends in her *pro se* complaint that the seizure violated her Fourth Amendment right to be free from unreasonable seizures. CBP in turn moves to dismiss the complaint for failure to state a claim. For the reasons stated below, I recommend that the motion be granted and that the complaint be dismissed, with prejudice.

8/7/18  
I adopt the  
report and recommendation  
without objection.  
The action is dismissed.  
James E. Sauer